

ORDINANCE NO. 96 - 19

BILL NO. 1 (1996)
CD1, FD1

A BILL FOR AN ORDINANCE RELATING TO FEES FOR HANAUMA BAY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. **Purpose.** The purpose of this ordinance is to assess new fees for the Hanauma Bay Nature Preserve and to establish a special fund for the use of those fees.

The council finds that there are certain lands in the Koko Head, Hawaii Kai and Koko Crater areas, including Hanauma Bay, that were deeded in December, 1928, to the city for public park purposes. Those lands, and certain contiguous lands, will be the ones benefitting from the monies deposited into the fund.

The council further finds that vehicles, including taxis and tour vehicles, that enter the upper preserve to pick up or drop off passengers or to allow passengers to view the bay or take pictures only, should not be subject to the new fees established in this ordinance. This is because these activities do not involve use of the lower preserve and thus do not impact the bay's fragile ecosystem. Because the above-referenced activities usually take less than 15 minutes, and due to the difficulty the City would have monitoring the actual activities of vehicle occupants, this ordinance provides for the refund of vehicle parking fees for vehicles spending 15 minutes or less in the Hanauma Bay Nature Preserve.

SECTION 2. Chapter 10, Article 2, Revised Ordinances of Honolulu 1990, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 10-2. Fees for Hanauma Bay Nature Preserve.

(a) The following fees shall be assessed for entrance to the Hanauma Bay Nature Preserve:

- (1) For nonresidents of Hawaii, 13 years of age and older, to enter the lower preserve (beyond the scenic lookout): \$3.00 per person.**
- (2) For vehicles entering the preserve, a \$1.00 parking fee shall be assessed; provided that this parking fee shall**

be refunded for all vehicles departing from the preserve within 15 minutes of their entry.

- (b) The director of parks and recreation is authorized to waive the fees provided by this section and to allow entry of any person to the Hanauma Bay Nature Preserve as part of an educational or promotional program or package made available or authorized by the city.
- (c) Customers of a commercial scuba diving and snorkeling permittee and the permittee shall pay the applicable fees established in subdivisions (a)(1) and (a)(2).
- (d) Hawaiians entering the Hanauma Bay Nature Preserve to exercise their traditional and customary rights for subsistence, cultural and religious purposes shall be exempt from paying the fees established in subdivisions (a)(1) and/or (a)(2) as the case may be; provided that nothing in this subsection shall be construed as allowing activities which may be otherwise prohibited by the Hawaii Revised Statutes or administrative rules of the department of land and natural resources. For purposes of this section, "Hawaiian" means the same as defined in HRS Section 11-1."

SECTION 3. Chapter 6, Revised Ordinances of Honolulu 1990, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article . Hanauma Bay Nature Preserve Fund

Sec. 6-___.1 Creation of fund.

There is created and established a special fund to be known as the "Hanauma Bay Nature Preserve fund."

Sec. 6-___.2 Purpose.

There shall be deposited into the Hanauma Bay Nature Preserve fund all receipts from the fees imposed under Section 10-2.__. All moneys deposited into this fund shall be used for the following purposes in the order of priority as indicated:

- (1) First, for the operation, maintenance and improvement of the Hanauma Bay Nature Preserve;
- (2) Second, for educational and orientation programs for visitors to the preserve;
- (3) Third, for a carrying capacity study of the preserve and for other studies relating to the environmental condition of the preserve; and

- (4) Fourth, if funds are available, for the operation, maintenance and improvement of the following park facilities: Koko Head district park, Maunalua Bay beach park, Koko Head rifle range, and the Koko Crater botanical garden.

Sec. 6-___.3 Expenditures.

All expenditures from this fund shall be for purposes authorized in this article, based on appropriations in the operating or capital budget ordinances, or amendments thereto.

Sec. 6-___.4 Administration.

The director of finance and the chief budget officer shall be responsible for the administration of this fund in accordance with prescribed laws and procedures applicable to expenditures of city funds."

SECTION 4. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.

SECTION 5. Effective Date. This ordinance shall take effect upon:

- (1) Its approval; or
- (2) Upon the adoption by council resolution of a special management area use permit which authorizes the imposition of admission and parking fees at Hanauma Bay and/or the construction of facilities and improvements necessary for the imposition of said fees,

whichever occurs later.

INTRODUCED BY:

Mufi Hannemann

John DeSoto

Donna Mercado Kim

John Henry Felix

Steve Holmes

Duke Bainum

Rene Mansho

Jon Yoshimura

DATE OF INTRODUCTION:

January 9, 1996

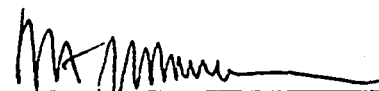
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel

APPROVED this 25th day of April, 1996.

 ACTING MAYOR
for JEREMY HARRIS, Mayor
City and County of Honolulu

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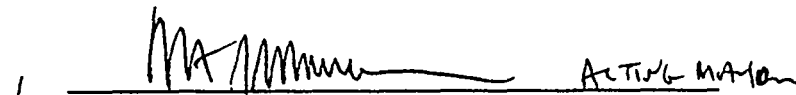
Honolulu, Hawaii

Councilmembers

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Deputy Corporation Counsel

APPROVED this 25th day of April, 1996.

 ACTIVE MAYOR
JEREMY HARRIS, Mayor
City and County of Honolulu